

REC'D IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant(s): Yasmin Thanavala, et al.

Serial No: 09/420,695

Filed: October 19, 1999



- (1) Transmittal Form
- (1) { Fee Transmittal Form
- (1) { Second Substitute Appeal Brief (in triplicate)
- (1) { Postcard for acknowledgment
- (1) Letter

RPP:156A US

Please type a plus sign (+) inside this box → ☐

PTO/SB/21 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

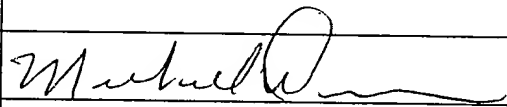
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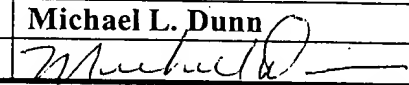
TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	09/420,695	
	Filing Date	October 19, 1999	
	First Named Inventor	Yasmin Thanavala	
	Group Art Unit	1651	
	Examiner Name	M. Flood	
Total Number of Pages in This Submission	29	Attorney Docket Number	RPP:156A US

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input checked="" type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) ** <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks **SECOND SUBSTITUTE Appeal Brief		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Michael L. Dunn
Signature	
Date	July 26, 01

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date: July 26, 01		
Typed or printed name	Michael L. Dunn	
Signature		Date July 26, 01

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

FEE TRANSMITTAL for FY 2001

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$)

Complete if Known

Application Number 09/420,695
Filing Date October 19, 1999
First Named Inventor Yasmin Thanavala
Examiner Name M. Flood
Group Art Unit 1651
Attorney Docket No. RPP:156A US

METHOD OF PAYMENT

1. ☐ The Commissioner is hereby authorized to charge indicated fees and credit any overpayment to:

Deposit
Account
Number

04-1790

Deposit
Account
Name



Charge Any Additional Fee Required
Under 37 CFR 1.16, 1.17, 1.18 and 1.20



Applicant claims small entity status.
See 37 CFR 1.27

2. ☐

☐ Check ☐ Credit Card ☐ Money Order ☐ Other

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Small Entity
Fee Fee Fee Fee
Code (\$) Code (\$)

Fee Code	Large Entity (\$)	Small Entity (\$)	Fee Description	Fee Paid	
101	710	201	355	Utility filing fee	
106	320	206	160	Design filing fee	
107	490	207	245	Plant filing fee	
108	710	208	355	Reissue filing fee	
114	150	214	75	Provisional filing fee	

SUBTOTAL (1)

(\$)

2. EXTRA CLAIM FEES

Total Claims	Extra Claims	Fee from below	Fee Paid
-20** =	X		
Independent Claims	-3** =	X	
Multiple Dependent			

Large Entity Small Entity
Fee Fee Fee Fee
Code (\$) Code (\$)

Fee Code	Large Entity (\$)	Small Entity (\$)	Fee Description	Fee Paid	
103	18	203	9	Claims in excess of 20	
102	80	202	40	Independent claims in excess of 3	
104	270	204	135	Multiple dependent claim, if not paid	
109	80	209	40	**Reissue independent claims over original patent	
110	18	210	9	**Reissue claims in excess of 20 and over original patent	

SUBTOTAL (2)

(\$)

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Fee Code	Large Entity (\$)	Small Entity (\$)	Fee Description	Fee Paid	
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for ex parte reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examination action	
115	110	215	55	Extension for reply within first month	
116	390	216	195	Extension for reply within second month	
117	890	217	445	Extension for reply within third month	
118	1,390	218	695	Extension for reply within fourth month	
128	1,890	228	945	Extension for reply within fifth month	
119	310	219	155	Notice of Appeal	
120	310	220	155	Filing a brief in support of an appeal	
121	270	221	135	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,240	241	620	Petition to revive - unintentional	
142	1,240	242	620	Utility issue fee (or reissue)	
143	440	243	220	Design issue fee	
144	600	244	300	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Processing fee under 37 CFR 1.17(q)	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	710	246	355	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	710	249	355	For each additional invention to be examined (37 CFR § 1.129(b))	
179	710	279	355	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)

SUBMITTED BY

Name (Print/Type) Michael L. Dunn

Registration No. 25,330
(Attorney/Agent)

Complete (if applicable)

Telephone 716-433-1661

Signature

Michael L. Dunn

Date

July 26, 01

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

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**BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants: Yasmin Thanavala, et al. Art Unit: 1651
Serial No: 09/420,695
Filed: October 19, 1999
Examiner: M. Flood
For: ORAL IMMUNOLOGY
USING PLANT PRODUCT
CONTAINING HEPATITIS
SURFACE ANTIGEN

LETTER

Box AF
Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

This is in reply to the Notification of Non-Compliance with 37 CFR 1.192(c) mailed July 17, 2001, regarding the above-referenced application. Enclosed please find a Second Substitute Appeal Brief, in triplicate, which overcomes the rejections.

Dated: July 26, 2001

Respectfully submitted,



Michael L. Dunn
Attorney for Applicant(s)
Reg. No. 25,330
P.O. Box 10
Newfane, New York 14108
Telephone: (716) 433-1661

MLD/cah